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EXAMINER	
ENGLAND, DAVID E	
ART UNIT	PAPER NUMBER
2443	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/517,613	SRINIVASAN, THIRU	
	Examiner	Art Unit	
	DAVID E. ENGLAND	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 – 7, 9 – 14, 16 – 20 and 22 – 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 – 7, 9 – 14, 16 – 20 and 22 – 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 7, 9 – 14, 16 – 20 and 22 – 24 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 7, 9 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the second schedule". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 5 – 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek in view of Leeke et al. 6587127, hereinafter Leeke.

7. Referencing claim 1, Dwek teaches a system for automatically retrieving and playing multimedia files, comprising:

8. a network access interface which provides access to a data network, (e.g., 4, lines 25 – 59);

9. a processing module in a central site to collect information including an identifier of a first multimedia file, a first location of said first multimedia file and a first datum relating to a first schedule of the availability of said first multimedia file, wherein said processing module creates first categorization information relating to said first multimedia file, (e.g., col. 4, lines 53 – 67 & col. 6, lines 15 – 52);

10. wherein said processing module collects information including a second identifier of a second multimedia file, a second location of said second multimedia file and a second datum, said second multimedia file is available for download, wherein said processing module creates second categorization information relating to said second multimedia file, (e.g., col. 6, lines 15 – 52);

11. wherein said processing module, said first location, and said second location are situated within distinct domains within the data network, (e.g., col. 4, lines 53 – 67 & col. 6, lines 15 – 52, The specific servers within the network.);

12. a selection interface in communication with said processing module which provides for presentation of the returned information, and receives and processes a selection from a client computer for accessing at least the first multimedia file according to the first schedule of the availability of the first multimedia file and the second multimedia file according to the second schedule of the second multimedia file from the data network and compiles a download

schedule, (e.g., col. 5, lines 55 - 62 & col. 6, line 63—col. 7, line 21, Adding more than one play list to a bigger list of media.);

13. a file download device in communication with the selection interface which, based on the download schedule, automatically accesses said first multimedia file at said location through said network access interface and downloads the selected multimedia file, (e.g., col. 4, line 60 – col. 5, line 30 & col. 9, lines 12 – 17 & col. 9, line 46 – 57), but does not specifically teach a second datum relating to at least one time when said second multimedia file is available for download.

14. Leeke teaches a system for automatically retrieving and playing multimedia files, comprising:

15. wherein said processing module collects information including a second identifier of a second multimedia file, a second location of said second multimedia file and a second datum relating to at least one time when said second multimedia file is available for download, wherein said processing module creates second categorization information relating to said second multimedia file, (e.g., col. 16, line 43 – col. 17, line 3);

16. a selection interface in communication with said processing module which provides for presentation of the returned information, and receives and processes a selection from a client computer for accessing at least the first multimedia file according to the first schedule of the availability of the first multimedia file and the second multimedia file according to the second schedule of the second multimedia file from the data network and compiles a download schedule, (e.g., col. 5, lines 49 – 61, different servers and their databases, col. 8, lines 2 – 32, different types of categories and making a play list of sorts, col. 14, lines 52 – col. 15, line 17);

17. a file download device in communication with the selection interface which, based on the download schedule, automatically accesses said first multimedia file at said location through said network access interface and downloads the selected multimedia file, (e.g., col. 8, lines 2 – 32, col. 14, lines 52 – col. 15, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Leeke with Dwek because it is will known that one cannot download data if it is not available and if a user wishes to download information that is not yet available then it would be advantageous for a system to utilize a schedule to alert the user when the data becomes available for the user to download.

18. Referencing claim 5, Dwek teaches at least one of: the selection interface, and the file download device are configured as plugins in a web browser installed in the personal computer, (e.g., col. 2, line 41 – col. 3, line 9 & col. 4, lines 16 – 43).

19. Referencing claim 6, as closely interpreted by the Examiner, Dwek teaches the selection interface includes at least one of:

20. a first selection for real time play of said first multimedia file which is downloaded, (e.g., col. 4, line 53 – col. 5, line 25);

21. a second selection for storing in a memory said first multimedia file which is downloaded in memory, (e.g., col. 4, line 53 – col. 5, line 25).

22. Referencing claim 7, Dwek teaches an interface is provided for restricting categories of multimedia files to be presented by the selection interface, (e.g., col. 7, lines 31 – 50)

23. Referencing claim 9, Dwek teaches the system includes a media player for playing said first multimedia file in real time, (e.g., col. 4, line 53 – col. 5, line 25).

24. Claims 2 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek and Leeke et al. 6587127, hereinafter Leeke, in view of Logan et al., (6199076 hereinafter Logan).

25. As per claim 2, Dwek and Leeke do not specifically teach wherein the processing module in the central website receives a download schedule file from remote multimedia websites on a periodic basis. Logan teaches wherein the processing module in the central website receives a download schedule file from remote multimedia websites on a periodic basis, (e.g., col. 2, line 44 – col. 3, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Logan with the combine inventions of Dwek and Leeke because periodically sending updated schedules to an end device allows the device to have the latest in content that is desired, i.e., if a users favorite band releases a new album, the user would be able to hear the new content right away.

26. Referencing claim 3, Dwek teaches in the "Background of the Invention" a receiving plug-in module on a client computer to request at least a portion of a program listing created by the processing module on the central website, (e.g., col. 2, line 15 – col. 3, line 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize plug-

ins since plug-ins attach themselves to already existing programs on the user's computer and take up less space than whole programs, therefore saving storage space.

27. Referencing claim 4, Dwek teaches wherein the program listing comprises a category file and at least a portion of a media guide, (e.g., col. 2, lines 40 – 59, "available songs by song title, artist, etc.", col. 6, lines 15 - 30, col. 7, lines 32 - 44).

28. Claims 10, 11, 13, 14, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek in view of Leeke et al. (6587127) (hereinafter Leeke) and in further view of Eyal (6389467).

29. Referencing claim 10, Dwek teaches a method of retrieving multimedia files over a data network from a remote site in connection with the data network, comprising:

30. in a processing module in a central site:

31. collecting identity information and download availability information for a plurality of multimedia files, (e.g., col. 4, lines 34 – 62);

32. categorizing said plurality of multimedia files, (e.g., col. 4, lines 34 – 62, col. 9, lines 18 – 57);

33. creating a listing containing said identity information and said download availability in formation, (e.g., col. 4, lines 34 – 62, col. 9, lines 18 – 57);

34. in a client computer:

35. presenting an interactive interface which includes the listing and through which individual selections may be made for downloading at least one of the plurality of the multimedia files from at least one of the plurality of servers, (e.g., col. 6, lines 15 – 52);

36. receiving an input through the interactive interface selecting a particular number of the plurality of multimedia files from the listing, (e.g., col. 4, line 60 – col. 5, line 30);

37. compiling a download schedule based on the received input, wherein the schedule includes a description of the multimedia file selected, time for the download, and download information, (e.g., col. 9, lines 12 – 45);

38. based on the input received through the interface, accessing and downloading over the data network, the selected multimedia files from the selected multimedia website, (e.g., col. 4, line 60 – col. 5, line 30),

39. but does not specifically teach wherein said availability information comprises at least one time when at least one of said plurality of multimedia files are available for download;

40. a plurality of websites;

41. according to the listing of when the at least one of the plurality of the multimedia files is available;

42. download information, including the domain;

43. wherein said plurality of multimedia websites searched comprise at least two websites in distinct domains of the data network;

44. the schedule including day and time for the download.

45. Leeke teaches wherein said availability information comprises at least one time when at least one of said plurality of multimedia files are available for download, (e.g., col. 8, lines 2 – 32, col. 14, lines 52 – col. 15, line 17);

46. according to the listing of when the at least one of the plurality of the multimedia files is available, (e.g., col. 8, lines 2 – 32, col. 14, lines 52 – col. 15, line 17);

47. compiling a download schedule based on the received input, wherein the schedule includes a description of the multimedia file selected, day and time for the download, and download information, (e.g. col. 19, line 66 – col. 20, line 42 & col. 14, lines 52 – 63 & col.15, lines 18 – 50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Leeke with Dwek so a user can view when a multimedia file was downloaded exactly or when a multimedia will be downloaded so the user can select future multimedia to download at a specific time.

48. Eyal teaches a plurality of websites, (e.g., col. 1, line 63 – col. 2, line 26);

49. download information, including the domain, (e.g. col. 2, lines 7 – 42);

wherein said plurality of multimedia websites searched comprise at least two websites in distinct domains of the data network, (e.g. col. 2, lines 7 – 42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize multiple websites and multiple multimedia files, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co., 193 USPQ 8*.

50. Referencing claim 13, Dwek teaches the multimedia files are retrieved according to a time schedule, (e.g. col. 9, lines 13 – 30).

51. Claims 11, 14, 17, 18 and 20 are rejected for similar reasons as stated above.

52. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek, Leeke and Eyal as applied to claims 10 and 11 above, and in further view of Martino (5987103).

53. As per claim 12, Dwek, Leeke and Eyal do not specifically teach only a predetermined number of multimedia files may be stored in memory. Martino teaches only a predetermined number of multimedia files may be stored in memory, (e.g. col. 9, lines 39 – 67). It would be obvious to one skilled in the art at the time the invention was made to combine Martino with the combine system of Dwek, Leeke and Eyal because it would be more efficient if there was a predetermined number of multimedia files stored because it could free up space to allocate of other files that my require more memory then other multimedia files.

54. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek, Leeke and Eyal as applied to claims 10 and 11 above, and in further view of Logan et al., (6199076 hereinafter Logan).

55. As per claim 19, Dwek, Leeke and Eyal teaches the listing is created and transmitted as disclosed above, but does not specifically teach the listing is created and transmitted automatically on a periodic basis. Logan teaches the listing is created and transmitted automatically on a periodic basis, (e.g., col. 2, line 44 – col. 3, line 11). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Logan with the combine system of Dwek, Leeke and Eyal because of similar reasons stated above.

56. Claims 16, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek, Leeke and Eyal as applied to claims 10 and 13 above, and in further view of Ten Kate et al. (6601237) (hereinafter Ten Kate).

57. Referencing claim 16, as closely interpreted by the Examiner, Dwek, Leeke and Eyal do not specifically teach any scheduling conflicts between the downloading of multimedia files are detected and the downloading is rescheduled as necessary to resolve conflicts. Ten Kate teaches any scheduling conflicts between the downloading of multimedia files are detected and the downloading is rescheduled as necessary to resolve conflicts, (e.g. col. 6, lines 32 – 46). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Ten Kate with the combine system of Dwek, Leeke and Eyal because if more than one multimedia is desired at the same time but only one can be obtained at a time it would be advantageous for a system to reschedule a transmission of a multimedia file that a user would desire so the user is able to receive what was requested without having to re-request for the multimedia file.

58. The teachings for claims 23 and 24 can be found in the same cited areas as stated above and are therefore rejected for those specific reasons.

59. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek and Leeke in view of Ten Kate et al. (6601237) (hereinafter Ten Kate).

60. As per claim 22, closely interpreted by the Examiner, Dwek and Leeke do not specifically teach the download device:

61. determines whether any conflicts exist in the download schedule complied by the selection interface; and

62. automatically reschedule at least one download in response to a determination that a conflict exists in the download schedule. Ten Kate teaches the download device:

63. determines whether any conflicts exist in the download schedule complied by the selection interface, (e.g. col. 6, lines 32 – 46); and

64. automatically reschedule at least one download in response to a determination that a conflict exists in the download schedule, (e.g. col. 6, lines 32 – 46). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Ten Kate with the combine inventions of Dwek and Leeke for similar reasons stated above.

Response to Arguments

65. Applicant's arguments with respect to claims 1 – 7, 9 – 14, 16 – 20 and 22 – 24 have been considered but are moot in view of the new ground(s) of rejection.

66. Applicant is invited to contact the Examiner again if they feel it necessary to further prosecution and clear any questions and/or ambiguity in the claim language and interpretation.

Conclusion

67. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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